

HOUSE BILL 640

By Alexander

AN ACT to amend Tennessee Code Annotated, Title 29, Chapter 28 and Title 53, relative to feminine hygiene product donation.

BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF TENNESSEE:

SECTION 1. Tennessee Code Annotated, Title 53, Chapter 1, Part 1, is amended by adding the following as a new section:

(a) The good faith donor of an apparently usable feminine hygiene product to a bona fide charitable or nonprofit organization for free distribution to persons in need of the product is not subject to criminal penalty for violation of unfair trade practice laws or civil damages arising from the nature, age, packaging, or condition of an apparently usable feminine hygiene product.

(b) A bona fide charitable or nonprofit organization that in good faith receives an apparently usable feminine hygiene product and distributes the product to persons in need is not subject to criminal penalty for violation of unfair trade practice laws or civil damages arising from the nature, age, packaging, or condition of an apparently usable feminine hygiene product.

(c) Subsections (a) and (b) do not apply when a good faith donor or bona fide charitable or nonprofit organization's actions constitute gross negligence or intentional misconduct that results in injury or death to a person who uses the apparently usable feminine hygiene product.

(d) As used in this section:

(1) "Apparently usable" means that a product meets all quality and labeling standards imposed by federal and state laws and regulations even if the product may not be readily marketable;

(2) "Bona fide charitable or nonprofit organization" has the same meaning as defined in § 57-4-102; and

(3) "Feminine hygiene product":

(A) Means a product used for a female's menstruation or other genital-tract secretions; and

(B) Includes tampons and sanitary napkins.

SECTION 2. This act takes effect July 1, 2021, the public welfare requiring it.